

REMARKS

Claims 1-27 are pending in the present application. In the Final Office Action mailed April 24, 2006, the Examiner rejected claims 1-4, 8-12, 16-21, and 24-27 under 35 U.S.C. §102(b) as being anticipated by Gordon et al. (USP 5,661,774). The Examiner next rejected claims 5, 13, and 22 under 35 U.S.C. §103(a) as being unpatentable over Gordon et al., in view of Heuscher (USP 5,262,946). Claims 6-7, 14-15, and 23 have been withdrawn from consideration as being directed to a non-elected species.

Claim 8 was amended to correct a typographical error and to place the claims in better form for appeal.

Applicant would like to make note of the file history for this application. In the Restriction Requirement of April 11, 2005, the Examiner alleged that the application contained claims to three patentably distinct species:

- species drawn to obtaining CT images of a medical patient;
- species drawn to obtaining CT images of luggage; and
- species drawn to obtaining CT images of postal packages.

In response, on May 3, 2005, Applicant elected the “species drawn to obtaining CT images of a medical patient” corresponding to claims 1-4, 8-12, 16-21, and 24-27. Prosecution continued with an Office Action dated July 12, 2005, and a response from Applicant on August 4, 2005. A Notice of Allowance was then mailed on October 24, 2005, and the issue fee was paid on November 15, 2005. Issuance was subsequently vacated on December 14, 2005, *by citing art pertaining to one of the non-elected species*, against claims 1-4, 8-12, 16-21, and 24-27 of the elected species. The cited prior art, Gordon et al., discloses, in part, a “*baggage scanning assembly* [that] includes a CT scanning system, and a conveyor belt for transporting items through the CT scanning system, and an improved power supply for the X-ray source of the CT scanner.” *Gordon, et al., Abstract (emphasis added)*. As stated above, the Examiner asserted that obtaining CT images from a medical patient and obtaining CT images from luggage are patentably distinct species. In the Final Office Action mailed April 24, 2006, the Examiner maintained the species restriction.

Applicant is confused how prior art pertaining to a non-elected species (a baggage scanner) anticipates claims of the elected species (a medical imaging scanner) when the Examiner deems such as being patentably distinct. It is inconsistent for the Examiner to assert that the elected species drawn to obtaining CT images of a medical patient is patentably distinct from the non-elected species drawn to obtaining CT images of luggage, while simultaneously asserting a

reference pertaining to the non-elected species against claims of the elected species. As such, Applicant requests withdrawal of the rejection of claims 1-4, 8-12, 16-21, and 24-27 under 35 U.S.C. §102(b) as being anticipated by Gordon, et al., which pertains to a species that the Examiner has identified as patentably distinct therefrom.

Notwithstanding that Gordon et al. pertains to a non-elected species, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Gordon et al. Applicant respectfully disagrees. Claim 1 calls for, in part, a CT system comprising gantry, an energy source, a generator, and a hub, wherein a number of HF electromagnetic energy filters are in a spoked relationship with the hub, wherein a first filter is positioned between the HF electromagnetic energy source and the subject by rotation of the hub and a second filter is positioned between the HF electromagnetic energy source and the subject by rotation of the hub.

Gordon et al. teaches a dual energy baggage scanner for detecting explosives in baggage. *Gordon, et al., Col. 1, Ins. 37-39.* Filter 262 in the baggage scanner is a *flat metal disk* with six pie shaped segments, with three of the segments 270 formed from relatively thick material, and three segments 272 formed from relatively thin material. *Gordon, et al., Col. 13, Ins. 23-33.* “Segments 270 and 272 are alternately disposed so that each of the thick segments 270 is adjacent to two of the thinner segments 272, and vice versa.” *Gordon, et al., Col. 13, Ins. 37-39.* Filter 262 rotates to dispose segments 270 and 272 alternately in the beam. *Gordon, et al., Col. 13, Ins. 40-44.*

Thus, Gordon et al. discloses a flat metal disk with six pie shaped segments formed in the disk, wherein the pie shaped segments alternate between thick and thin material in the adjacent pies. The flat metal disk of Gordon et al. is not tantamount to a number of HF electromagnetic energy filters that are in a spoked relationship with a hub, wherein a first filter is positioned by rotation of the hub, and a second filter is positioned by rotation of the hub. Applicant respectfully disagrees that Gordon et al. teaches a hub with a number of filters in a spoked relationship with the hub.

Accordingly, that which is called for in claim 1 is not disclosed or suggested in the art of record. As such, Applicant believes claim 1, and the claims which depend therefrom, are patentably distinct over the art of record.

The Examiner next rejected claims 8, 16, 19, and 24 under 35 U.S.C. §102(b) as being anticipated by Gordon et al. Claim 8 calls for, in part, positioning a first portion of a filtering apparatus in a spoked relationship with a hub, and positioning a second portion of the filtering apparatus in a spoked relationship with the hub. Claim 16 calls for, in part, positioning a first

filter by rotation of a hub in a spoked relationship with the first filter, and positioning a second filter by rotation of the hub in a spoked relationship with the second filter. Claim 19 calls for, in part, rotating a hub to position a first filter, in a spoked relationship with the hub, and rotating the hub to position a second filter, in a spoked relationship with the hub, between the HF electromagnetic energy source and the subject. Claim 24 calls for, in part, a hub, a first filter connected to the hub at a first connection port, and a second filter connected to the hub at a second connection port, wherein the first and second filters are in a spoked relationship with the hub. As stated above, Gordon et al. fails to teach a hub with a number of filters in a spoked relationship with the hub. As such, Gordon et al. fails to disclose that which is called for in claims 8, 16, 19, and 24. As such, Applicant believes claims 8, 16, 19, and 24, and the claims which depend therefrom, are patentably distinct over the art of record.

The Examiner next rejected claims 5, 13, and 22 under 35 U.S.C. §103(a) as being unpatentable over Gordon et al., in view of Heuscher. Applicant respectfully disagrees with the Examiner with respect to the art as applied, and in light of claims 5, 13, and 22 depending from what are believed otherwise allowable claims, the Applicant respectfully requests allowance of claims 5, 13, and 22 based on the chain of dependency.

Applicant believes that claims 1, 8, and 19 are generic and, as such, upon their allowance, claims 6-7, 14-15, and 23 should be rejoined.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-27.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

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